

1 **John Gimbel**
2 **225 Brevus St.**
3 **Crescent City CA**
4 **95531**
5 **707.464.5908**
6 **Plaintiff, in pro se**

FILED
2007 NOV 15 11:12:06
NOTICE OF FILING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **JOHN GIMBEL**
10 **Plaintiff,**

11 **vs.**

12 **STATE OF CALIFORNIA, DEL NORTE**
13 **COUNTY SHERIFF'S DEPARTMENT,**
14 **JERRY HARWOOD, BILL STEVEN, GENE**
15 **McMANUS, MELANIE BARRY, DANA RENO,**
16 **ROBERT BARBER, ED FLESHMAN,**
17 **CRESCENT CITY**
18 **POLICE DEPARTMENT,**
19 **DOUGLASS PLACK, GREG JOHNSON, JAMES**
20 **HOLT, CALEB CHADWICK, THOMAS**
21 **BURKE, DEL NORTE DISTRICT ATTORNEY,**
22 **KEITH MORRIS, AC FIELD, MICHAEL RIESE,**
23 **DARREN McELFRESH, AND FRITZ**
24 **LUDERMAN**

25 **Defendants**

CASE NO. : C070113 SBA
RECORD ON APPEAL; STATEMENT
OF THE EVIDENCE

26
27 **The appeal will be taken by plaintiff, Title 28 II, Rule 10, based on several**
28 **points, records and evidence, including the following:**

1. **The court acted improperly wherein judge Sandra B. Armstrong did not**
recuse herself on the same grounds as did Martin J. Jenkins (both are black).

2. **All original papers and exhibits filed in the district court, including original**
and amended plaintiff's complaint.

1 3. A certified copy of the docket entries prepared by the district clerk.

2 4. The evidence exists, clearly, speaks for itself, that, since to nullify the
3 constitutional right to seek redress is the onus and condemnation of a punishment
4 directly upon one, (in this case upon the plaintiff, when the court closed Gimbel's
5 case), the court acts improperly by nullifying the constitutional right of the plaintiff
6 to seek redress with his complaint without the due process involving a right to a trial
7 to determine, as provided by law and rights to speedy jury trials, whether this
8 constitutional right is in fact removable in the name of punishment. It acts
9 improperly, concomitantly, even before that, in not even having allowed a plea on
10 the charges of "colorful language," before mandating *an exact punishment* of
11 deprivation of the aforementioned constitutional right.

12 5. Instruction will be given the court, as self-evident, that base language occurs
13 at times in the very course of life. The court will be reminded, if not admonished,
14 that no violations per se are dropped in *violative indictments* in the criminal systems,
15 by "courts," no matter who was to use base language in a case there; yet, in the
16 Gimbel case, the court purports right or mandate for some base language to allow to
17 free up automatically the *violative indictments* of 18 defendants accused of serious
18 and pillaging violations in the Gimbel case.

19 Additionally, three in fact very recent samples will be shown, that the
20 outright forgiveness of indicted violations for some base language, (as the court
21 attempted with Gimbel's 18 defendants), is not at all keeping with the tenor of life
22 itself, and should not be an act of our overseeing-of-life courts. These 3 will be:

- 23 1. The recent Jesse Jackson, U.S. Rep.'s (Illinois) use of profanity during a
24 session on the House floor, even further "fight challenging" his opponent
25 directly ("let's step outside," CA penal 415). That episode came to "life goes
26 on." Absolutely nothing came of it. According to our courts here, (the Gimbel
27 sample), Jackson should have been fired, stopped, removed of all rights.

28 Gimbel's 4 years of work was hit with the hammer of one page of orders, the

1 judge (Armstrong) saying of his 4 years of work she only bothered to read the
2 first line, and Gimbel was suddenly removed like Saddam for the same
3 language Mr. Jackson used.

- 4 2. The recent U. of Colorado at Ft. Collins editor who allowed to use the "F"
5 word to describe Bush in the collegiate paper, keeps his job. The editor's life
6 goes on. (Bush himself has used the "S" word publicly during his term, as you
7 recall--no repercussions.) Gimbel used some base language, and, in contrast,
8 his life (or his life's work in the civil case) is supposed to drop stone cold
9 dead--all of it.
- 10 3. A revealing recent study that shows that, were Armstrong to dismiss on base
11 language, it is the very attempt to destroy some of the very tenuously precious
12 fabric of our lives that prospers our team spirit and morales, and the study will
13 show this could equate to an act to demoralize and de-spiritualize us.
- 14

15 The appeal argues there has transpired not even remotely the "justice" due
16 this plaintiff.

17

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19

20

21 Dated

Oct. 24, 2007



in pro se

22 225 Brevus St.
23 Crescent City, CA 95531

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**ROOF OF SERVICE BY MAIL, PERSONAL DELIVERY,
OVERNIGHT MAIL, OR FACSIMILE TRANSMISSION**

I am a citizen of the United States and a resident of Del Norte County; I am over the age of eighteen (18) years; my address is 1533 Oregon St., Crescent City, CA 95531.

On October 26, 2007 I served the documents within, described as **RECORD ON APPEAL; STATEMENT OF THE EVIDENCE (PER TITLE 28 II, RULE 10)** to the interested parties in said action:

_____ By overnight FedEx.

 X By following the ordinary business practice, placing on that date at my place of business, a true copy thereof enclosed in a sealed envelope(s) with postage thereon fully prepaid, for collection and mailing with the United States Postal Service at Crescent City, California, where it would be deposited with the United States Postal Service that same day in the ordinary course of business addressed as follows:

Attny John Vrieze
(for Del Norte sheriff dept. and dist. att.)
814 Seventh St.
Eureka, CA
95502

Calif. Att. Gen. (Troy Overton)
455 Golden Gate Ave. Suite 11000
San Francisco, CA
94102-7004

John P. Devine
CA Att. Gen.
455 Golden Gate Ave.
Suite 11000
San Francisco, CA
94102

Attny William Ayres
((for Crescent City police dept. (& agents of city))
1415 Court St.
Redding, CA
96001

Randall Harr
1415 Court St.
Redding, CA
96001

Ninth Circuit court of appeal
95 Seventh St.
San Francisco, CA
94612-5217

William Mitchell
814 Seventh St.
Eureka, CA
95502

_____ By personally delivering a copy of said document(s) on the party(ies) named below at the following address(es):

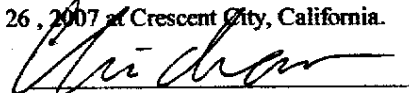
_____ By following the ordinary business practice, placing on that date at my place of business, the above documents for deposit that same day in a box or other facility regularly maintained by Federal Express, in an envelope or package designated by Federal Express, with delivery fees paid or provided for as follows:

_____ By transmitting by facsimile machine, telephone number 707 464 5908, to the party(ies) named below at the facsimile machine telephone number listed below. The facsimile machine I used complied with California Rules of Court, rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

Name: _____
Name: _____

Facsimile No: _____
Facsimile No: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this day of October 26, 2007 at Crescent City, California.


Chris Ohmer